

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BETTY EAKIN, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	No. 1:22-cv-00340-SPB
	:	
ADAMS COUNTY BOARD OF	:	
ELECTIONS, <i>et al.</i> ,	:	
	:	ELECTRONICALLY FILED
Defendants.	:	

**DEFENDANT BERKS COUNTY BOARD OF ELECTIONS’ SUPPLEMENTAL
STATEMENT REGARDING PENDING MOTIONS FOR SUMMARY JUDGMENT**

Pursuant to the Court’s November 21, 2023 Order (ECF No. 348), defendant Berks County Board of Elections (“Berks Board”) files this supplemental statement regarding the pending cross-motions for summary judgment in this action.

On November 21, 2023, the Court directed the parties to supplement their summary judgment filings in light of its grant of summary judgment in *PA NAACP v. Schmidt*, No. 1:22-cv-339 (ECF No. 348). After further review of the Court’s summary judgment ruling in *PA NAACP v. Schmidt*, Berks Board has no additional information to supplement its summary judgment filings in this action on standing or any other issues. For all the reasons previously stated, Plaintiffs’ motion for summary judgment should be denied, and the Court should grant summary judgment in favor of Berks Board and the other defendants.

Berks Board respectfully suggests that the Court refrain from ruling on the pending cross-motions for summary judgment in this case until all appeals of the summary judgment order in *PA NAACP v. Schmidt* are concluded. *See, e.g.*, ECF No. 43, *PA State Conference of NAACP Branches v. Secretary Commonwealth of PA*, No. 23-3166 (3d Cir. Dec. 13, 2023) (staying summary judgment order). That appeal may control the outcome of this case.

Respectfully submitted,

Dated: January 5, 2024

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and LCvR 5.6, the undersigned hereby certifies that the foregoing document was electronically filed on the below date with the Court's CM/ECF system, which transmitted a Notice of Electronic Filing of the filed document on counsel of record and/or each party in the case who is registered as a Filing User.

Dated: January 5, 2024

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